amo REPORT

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RESPONSE TO THE 1986 DRAFT FLOOD PLAIN PLANNING POLICY STATEMENT

THE ASSOCIATION OF MUNICIPALITIES OF ONTARIO

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ASSOCIATION OF MUNICIPALITIES OF ONTARIO

The Association of Municipalities of Ontario, a non-partisan voluntary organization, is united to promote the values of the municipal government system and the status of the municipal level of government as a vital and essential component of the total intergovernmental framework of Ontario and Canada.

The Association acts as the collective voice of Ontario's municipal governments and is organized to accomplish through cooperation and coordination, what the majority have neither the time nor the resources to do individually.

The Association represents some six hundred (600) municipal governments throughout Ontario. The governing body is composed of some eighty (80) municipal elected and appointed officials, who in turn represent a wide-range of municipal government interest.

The following sections and affiliated municipal professional associations form an important part of the Association's structure and therefore, play an important part in its activities in terms of the Board of Directors, program and policy development:

Association Sections:

* County and Regional Section
* Large Urban Section
* Northern Ontario Section (FONOM/NOMA)
* Rural (ROMA) Section
* Organization of Small Urban Municipalities Section

Association Affiliates:

* Association of Municipal Clerks and Treasurers of Ontario
* Association of Municipal Tax Collectors of Ontario
* Municipal Engineers Association
* Ontario Municipal Administrators Association
* Ontario Municipal Personnel Association
* Ontario Municipal Social Services Association
* Society of Directors of Municipal Recreation of Ontario
* Urban Finance Officers Association of Ontario

To the Municipal Clerk:

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AMO RESPONSE TO THE 1986 DRAFT ON FLOOD PLAIN PLANNING POLICY STATEMENT

INTRODUCTION

The Planning Act (1983) provides a legislative basis for the provincial government to formally issue policy statements on matters relating to Land Use Planning. In September, the Draft Flood Plain Policy Statement was released by the Ministries of Natural Resources and Municipal Affairs for public comment. The Statement sets out proposed policies related to development in flood plains. Municipalities and other approval authorities are to "have regard to" such policies in carrying out their planning responsibilities.

The major differences between the existing Flood Plain Criteria of the province and the Draft Flood Plain Policy Statement for municipalities are:

- a more flexible approach to flood plain management;
- the option of requesting the Ministry of Natural Resources to change the regulatory flood standard for a watershed (The minimum standard would be, however, the one hundred year flood);
- the two-zone concept (flood-way/flood-fringe) would be retained. The delineation of the two zones would no longer be based on a province-wide standard but rather on local conditions;
- new development such as hospitals, nursing homes, schools, police and fire stations, as well as development associated with hazardous substances, would not be permitted to locate in the flood plain if flooding would pose a threat to public safety or if the provision of services could be impaired;
- the requirement to incorporate flood plain lands and the associated development policies into their official plans and zoning by-laws.

AMO COMMENTS

The province has requested that comments be received by December 31, 1986.

The Association of Municipalities of Ontario has reviewed the Draft Flood Plain Policy Statement and provides the following comments.

Flexibility

The provincial government should be congratulated on the Draft Flood Plain Policy Statement as it provides flexibility to accommodate local situations and conditions consistent with the principles of reducing flood damage and preventing inappropriate development in a flood plain.

Regulatory Flood Standard

According to the Draft Flood Plain Planning Policy Statement, the minimum acceptable regulatory flood standard for the province is the one-in-one hundred year flood (Policy 2.2). However, in zones one and three, the regulatory level is the flood produced by the Hurricane Hazel storm (for zone one), the Timmins storm (for zone three) or the one-in-one hundred year flood, whichever is greater. In these zones, the minimum regulatory flood level appears to be the Hurricane Hazel storm level or the Timmins storm level. The Association is opposed to this higher regulatory flood level and reaffirms its previous position that the regulatory flood criterion not exceed the one-in-one hundred year flood across the province with the municipalities given the option to increase the regulatory standard to the level of the Hurricane Hazel flood level for zone one or the Timmins storm level for zone 3.

Special Policy Areas

With regard to Special Policy Areas, it is not clear from the Statement or Guidelines whether new development would be eligible for government flood damage assistance. It appears that the current Flood Damage Reduction Program (FDRP) administered by the federal government requires protection to the level of the one hundred year flood to be eligible for financial assistance.

The Association believes that the provincial and federal government, in supporting the concept of a Special Policy Area, should also assist municipalities through flood damage assistance programs. While AMO appreciates the degree of flexibility afforded to municipalities through Special Policy Areas, we also believe that flood damage in Special Policy Areas, which have been approved by the province, should also be financially supported by provincial and federal government programs. This is an issue of liability. AMO believes that the legal responsibilities of all concerned including the provincial and federal governments, municipalities, conservation authorities and property owners for devel-

opment within flood prone areas, must be defined in either the policy statement or accompanying guidelines. If the provincial and federal governments do not financially assist with flood damages in Special Policy Areas, it would appear that the legal responsibilities would rest with municipalities.

It is therefore recommended that buildings constructed in a Special Policy Area be eligible for provincial and federal flood disaster assistance and that the Ministries of Natural Resources and Municipal Affairs define, within the provincial policy statement, the responsibilities of the provincial government, municipalities, conservation authorities and property owners relative to new development, infill and redevelopment in areas identified as being susceptible to flooding under the regulatory flood.

Floodproofing

Some municipalities have already installed some forms of flood control. It appears from the policy statement and guidelines, however, that dyking or damming is not a complete floodproofing technique. The guidelines do not state the nature of floodproofing that may be required for development behind a dyke.

It is recommended that criteria for floodproofing with respect to dykes and dams be drafted into the implementation guidelines of the Flood Plain Planning Policy Statement.

Public Safety

According to the Policy Statement, new development associated with the storage or disposal of a chemical, hazardous or toxic substance; institutional uses such as hospitals, nursing homes and schools and; essential services, such as police, fire, and ambulance stations and electrical sub-stations not be permitted to locate in the flood plain.

There is a concern that other forms of waste disposal systems such as sewage treatment plants would not be able to locate or expand in a flood plain.

The Association recommends that the Policy Statement clearly indicate that municipalities be permitted to build and expand sewage treatment facilities in a flood plain.

Implementation

Flood Standards

With respect to the regulatory flood standard, the model assumes a well defined river valley system. This is not, however, appropriate for the great lakes shoreline or for some rivers such as the St. Clair River.

The Association recommends that the province develop regulatory flood standards appropriate for the planning and development of the great lakes shoreline and other such areas where the current regulatory flood standards are not appropriate.

Floodline Mapping

(i) According to the Draft Policy Statement, the Ministry of Natural Resources will develop technical guidelines for the calculation of flood lines and the mapping of flood plains.

Flood line mapping (flood level estimates) are based on a model which assumes the traditional V-shaped river valley. In areas of great flooding, however, this model is not applicable.

The Association recommends that the model be modified for areas where the traditional V-shaped river valley system is not applicable.

(ii) The Draft Flood Plain Planning Policy Statement will require municipalities to incorporate flood plain lands into their official plans and zoning by-laws. In addition the proposed two-zone concept for those municipalities which adopt this concept will require municipalities to re-calculate and redraft flood line maps. While AMO is aware that municipalities can receive some assistance from conservation authorities the Association recommends that the provincial government assist municipalities financially in the development of new flood line surveys and maps.

Other Concerns

Flood Plain Designation

Some municipalities have expressed concern that the Draft Policy Statement may not adequately address the problems of warning prospective

purchasers that a property is in a designated flood plain area. It is felt that official plans and zoning by-laws will not adequately inform purchasers of this flood plain designation.

As an additional measure, the Association recommends that the province investigate the possibility of registering on property titles the notation that a property lies within a flood plain.

Zoning By-laws

Some small and rural municipalities are concerned with the requirement to incorporate flood plain lands into their official plans and zoning by-laws in the absence of survey flood lines. It is felt that unless the boundary of a flood line can be clearly delineated, it should not be shown on a zoning map.

The Association recommends that where no flood plain mapping exists, municipalities not be required to indicate flood plain lands in zoning by-laws or official plan maps schedules but rather that site specific inspections be conducted for development and approval within conservation authorities "fill lines".

Storm Water Management

The Draft Policy Statement eliminates references to storm water management contained in the earlier Flood Plain Planning Criteria. Currently, the "construction" component of conservation authority regulations is applied to areas draining 125 hectares or greater. Areas less than 125 hectares are considered "local drainage" and thus are the responsibility of the local municipality.

The Association believes that the provincial government should clearly define its position with regard to storm water management. Since development (agricultural land clearing, drainage and urban development) accelerates the rate of water flows, and since there is a direct relationship between storm water management and flood plain management, the Association recommends that the provincial government establish a new storm water management section to be incorporated in the Flood Plain Policy Statement to clearly define its position on storm water management and to develop clear lines of responsibility on the subject.

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